

the floor, and sustained severe and permanent personal injuries.

The subject subpoena was issued in connection with this litigation.

II. The Subpoena

The Amended Motion to Enforce Subpoena states that Mr. Barwick, who resides in Florida, received medical treatment from Angel Medical Center. In that regard, on or about January 20, 2023, counsel for Defendant Dillard House, Inc. (“Dillard House”) served a subpoena duces tecum on Angel Medical Center for Mr. Barwick’s medical records.

The Amended Motion to Enforce Subpoena further states that Plaintiffs did not object to the subpoena. However, on January 31, 2023, Angel Medical Center advised that it was “unable to respond to a subpoena by an out-of-state court” and that it was necessary for Dillard House “to obtain a subpoena or court order from a court within the jurisdiction of the healthcare facility.” Doc. 2 at 21.

III. Discussion

Rule 45(a)(2) of the Federal Rules of Civil Procedure states that subpoenas must issue from the court where the action is pending. Subpoenas may be issued either by the clerk or by an attorney authorized to practice in the issuing court. Fed. R. Civ. P. 45(a)(3).

The subject subpoena in this case was issued from the United States District Court for the Northern District of Georgia and was signed by counsel

for Dillard House.

Plaintiffs have not objected to the subpoena, nor have they filed any response to the Amended Motion to Enforce Subpoena and the time for doing so has expired.

Likewise, Angel Medical Center has not filed any response to the Amended Motion to Enforce Subpoena or otherwise objected to the subpoena, except to argue (incorrectly) that the subpoena was improperly issued.

Under these circumstances, the Amended Motion to Enforce Subpoena will be allowed.

IT IS THEREFORE ORDERED THAT:

1. The objection by Angel Medical Center to the subject subpoena is **OVERRULED**, the Motion to Enforce Defendant Dillard House, Inc.'s Subpoena Duces Tecum to Non-Party Angel Medical Center (Doc. 2) is **GRANTED**, and Angel Medical Center is **DIRECTED** to produce responsive documents on or before March 27, 2023 or at such other time as may be agreed by counsel for Dillard House.

2. The Motion to Enforce Defendant Dillard House, Inc.'s Subpoena Duces Tecum to Non-Party Angel Medical Center (Doc. 1) is **DENIED AS MOOT.**

Signed: March 13, 2023

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

